



PRESS RELEASE

EPIC v. IRS: A Freedom of Information Act Lawsuit to Obtain the Tax Returns of Donald J. Trump

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WASHINGTON, DC – Today the Electronic Privacy Information Center (EPIC) announced the filing of a Freedom of Information Act (FOIA) lawsuit against the IRS to obtain the tax returns of Donald J. Trump. The lawsuit was filed in federal district court in Washington, DC and is captioned *EPIC v. IRS*, No. 17-670.

“There has never been a more compelling Freedom of Information Act request presented to the IRS,” said Marc Rotenberg, President of the Electronic Privacy Information Center, a non-partisan organization established in 1994. “Because the agency failed to comply with the requirements of the Freedom of Information Act, we have filed this lawsuit to compel production of Donald J. Trump’s tax returns.”

Mr. Rotenberg continued, “There is a widespread concern that the President’s private financial interests may conflict with the national interests of the United States. There is a related concern that candidate Trump may have business relations with the Russian government that aided his presidential campaign.

“And there are ongoing concerns about the fairness and integrity of tax administration, expressed by both President Trump and his critics. There is simply no way to resolve these disputes without the release of the tax records. The public has the right to know.” said Mr. Rotenberg.

According to the EPIC complaint: “In the history of the United States, there has never been greater interest in the public release of an individual’s tax records than those of Donald J. Trump.”

EPIC Senior Counsel Alan Butler explained the basis of the legal action. “As a general matter, tax records are protected under federal privacy laws. However, EPIC uncovered a key provision in the IRS regulations that permits the release of tax records in certain circumstances to correct misstatements of fact.”

The provision was enacted following the impeachment of President Richard M. Nixon. It allows the IRS to release tax returns “with respect to any specific taxpayer to the extent necessary for tax administration purposes to correct a misstatement of fact.”

President Trump has accused the IRS of targeting him for audits on religious and political grounds, while misinformation and uncertainty over the contents of Trump’s returns have led protesters to threaten withholding of their own taxes.

Regarding the provision cited by EPIC, Senator Chuck Grassley (R-IA), a member of the Joint Committee on Taxation, has said certain “type[s] of factual misstatements should trigger disclosure of return information” depending on the “degree of seriousness.” According to EPIC’s Marc Rotenberg, “It is hard to imagine more serious misstatements of facts than the claims surrounding President Trump’s tax returns. If ever there were circumstances that justified the public release of taxpayer returns, EPIC’s FOIA request presents that case.”

EPIC manages one of the most extensive open government litigation programs in the United States. Over the years, EPIC has prevailed in FOIA cases against many federal agencies. For example, EPIC obtained the public release of the NSA’s domestic cybersecurity authority following a FOIA lawsuit. *EPIC v. NSA*, 988 F. Supp. 2d 1 (D.D.C. 2013). EPIC recently filed FOIA cases to determine the extent of Russian interference with the 2016 Presidential election. In *EPIC v. FBI*, EPIC has obtained a court order requiring the production of documents beginning May 11, 2017. In *EPIC v. ODNI*, EPIC has obtained a court order requiring the May 11, 2017 release of the report on Russian hacking, prepared by the Intelligence Community.

About EPIC

EPIC is a non-partisan organization, established in 1994, to focus public attention on emerging privacy and civil liberties issues. The EPIC Advisory Board includes distinguished experts in law, technology, public policy, and cyber security.

Links

EPIC v. IRS, No. 17-___ (D.D.C. filed Apr. 15, 2017)
<https://epic.org/foia/irs/trump-taxes/EPIC-IRS-Complaint-04152017.pdf>

EPIC v. IRS (Donald Trump’s Tax Returns)
<https://epic.org/foia/irs/trump-taxes/>

EPIC FOIA Cases
epic.org/foia/

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